

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>-vs-</b>	)	<b>Case No. <u>CR-17-11-R</u></b>
	)	
<b>DAVID ADUDELLE,</b>	)	
	)	
<b>Defendant.</b>	)	

**GOVERNMENT'S MOTION TO DISMISS THE  
THIRD SUPERSEDING INDICTMENT**

COMES NOW the plaintiff, United States of America, by Mark A. Yancey, United States Attorney for the Western District of Oklahoma, and Edward J. Kumiega, Assistant United States Attorney, pursuant to Rule 48(a), Federal Rules of Criminal Procedure, and moves this Court to dismiss, without prejudice, the Third Superseding Indictment (Doc. 110) filed on June 20, 2017, along with the previous companion Indictments filed on May 18, 2017, (Doc. 86) and February 22, 2017, (Doc. 19) in the above-styled case as to the defendant, David Aduddell. Such action would best meet the ends of justice for the following reasons:

- 1) The parties have agreed that pretrial diversion is an appropriate resolution of the case;
- 2) The defendant has been approved for pretrial diversion by the U.S. Probation Office (the government is awaiting the signed Pretrial Agreement);

3) Defense counsel has no objection to said motion;

4) WHEREFORE at this juncture, plaintiff prays that the Court to enter an Order dismissing, without prejudice, the Third Superseding Indictment (Doc. 110) filed on June 20, 2017, along with the other previous charging instruments filed on May 18, 2017, (Doc. 86) and February 22, 2017, (Doc. 19), as to defendant, David Aduddell; and

5) Once Mr. Aduddell successfully completes the agreed Pretrial Diversion Program, the government will move the district court to dismiss the Third Superseding Indictment and all other charging instruments with prejudice.

Respectfully submitted,

MARK A. YANCEY  
United States Attorney

s/EDWARD J. KUMIEGA  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2017, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants: Carl D. Hughes.

s/EDWARD J. KUMIEGA  
EDWARD J. KUMIEGA  
Assistant U.S. Attorney